IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10197 of 2019

Arising Out of PS. Case No.-605 Year-2016 Thana- KATIHAR COMPLAINT CASE District- Katihar

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1. Moin, Son of Manzoor, Resident of Village - Dhangawan, P.S.- Kadwa, District - Katihar.
2. Begum, Wife of Manzoor, Resident of Village - Dhangawan, P.S.- Kadwa, District - Katihar.
3. Manzoor, Son of Late Sukradi, Resident of Village - Dhangawan, P.S.- Kadwa, District - Katihar.
4. Tawkir, Son of Manzoor, Resident of Village - Dhangawan, P.S.- Kadwa, District - Katihar.
5. Hawana Khatoon, Wife of Moin, Resident of Village - Dhangawan, P.S.- Kadwa, District - Katihar.

... ... Petitioners

Versus

1. The State of Bihar
2. Bibi Shaukat Ara, Wife of Moin, Resident of Village - Dhangawan, P.S.- Kadwa, District - Katihar. At present Resident of Village - Belbari, Haripur, P.S.- Baisi, District - Purnia.

... ... Opposite Parties

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Appearance :
For the Petitioner/s : Md. Imtiyaz Hussain, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT
Date : 20-08-2026

1. Heard the parties.

2. After short argument learned counsel appearing for the petitioners, seeks permission to withdraw the petition of petitioner no.1, namely, Moin, who is the husband of OP no.2.

3. Request accorded.

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4. Considering the submissions, the present petition *qua* petitioner no.1, namely, Moin stands dismissed as withdrawn.

5. Now, this petition remains survive only against the petitioner no.2, namely, Begum, petitioner no.3, namely, Manzoor, who are mother-in-law and father-in-law of O.P. no.2, petitioner no.4, namely, Tawkir, cousin brother-in-law and petitioner no.5, namely, Hawana Khatoon, the second wife of her husband.

6. The instant application is being filed for quashing of the Order dated 22.05.2017, passed in C.A. No.605 of 2016 by the Learned Court below taken cognizance of the offence U/s 498(A) of the I.P.C.

7. That the prosecution case, in brief, is that the Opposite Party No.2 filed the Complaint Case No.605/2016 against the petitioners to the effect that she was married with Moin S/o Manzoor, eight to nine years back and out of their wedlock, two children were born, who live with the O.P. No.2. It is alleged that the petitioners started demanding of Rs. 1 Lakh as dowry and failing to pay, they pressurized the

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O.P. No.2 to get her brother Shahjahan marry with the daughter of the petitioner no.3 upon which, the O.P. No.2 got the marriage of her brother performed with daughter of petitioner no.3. It is further alleged that the husband Moin, performed second marriage, with the petitioner no.5, and started living with her but after some time all the petitioners again started demanding dowry of Rs. 1 Lakh from the O.P. No.2, and ultimately on 05.01.2016 at 11 A.M., all the petitioners assaulted the O.P. No.2 with slaps and fists and took away her gold ornaments worth 10 Bhar amounting Rs.30,000/- and ousted the O.P. No.2 with her children from her in-laws house.

8. On the basis of aforesaid complaint, the learned trial court after examining the witnesses along with the complainant on oath took cognizance of the offence punishable under Section 498(A) of the Indian Penal Code against the petitioners through impugned order.

9. It is submitted by learned counsel appearing for the petitioners that all the petitioners are in-laws, and they have been implicated only for their relations with the

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husband of the O.P. No.2. It is further submitted that the petitioners are living separately having no connections with daily and domestic affairs of the informant and her husband. It is also pointed out that O.P. No.2 is under habit to lodge this type of complaint, where she lodged her first complaint in 2008, whereafter her marriage with her husband was dissolved as per their personal law being, Muslim and was also living separately, but on concocted grounds in the year 2016, the present false case was lodged. It is further submitted that just to take personal vengeance out of oblique motive, the present false case was lodged against the petitioners, who are in-laws.

10. While concluding argument, learned counsel for the petitioners relied upon the legal report of Hon'ble Supreme Court as available through ***Abhishek versus State of Madhya Pradesh [2023 SCC OnLine SC 1083]***.

11. It would be apposite to reproduce the para no. 12 to 17 of Hon'ble Supreme Court in the case of ***Abhishek Case (supra)***, which reads as under:-

"12. The contours of the power to quash criminal proceedings under Section 482 Cr. P.C. are well defined. In V. Ravi Kumar v. State represented by Inspector of Police, District Crime

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Branch, Salem, Tamil Nadu [(2019) 14 SCC 568], this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In Neeharika Infrastructure (P). Ltd. v. State of Maharashtra [Criminal Appeal No. 330 of 2021, decided on 13.04.2021], a 3Judge Bench of this Court elaborately considered the scope and extent of the power under Section 482 Cr. P.C. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by this Court in R.P. Kapur v. State of Punjab (AIR 1960 SC 866) and State of Haryana v. Bhajan Lal [(1992) Supp (1) SCC 335], the Court would have jurisdiction to quash the FIR/complaint.

13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in Kahkashan Kausar alias Sonam v. State of Bihar [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused to quash a FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.

14. In Preeti Gupta v. State of Jharkhand [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care

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and circumspection.

15. Earlier, in Neelu Chopra v. Bharti [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC.

16. Of more recent origin is the decision of this Court in Mahmood Ali v. State of U.P. (Criminal Appeal No. 2341 of 2023, decided on 08.08.2023) on the legal principles applicable apropos Section 482 Cr. P.C. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 Cr. P.C. or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.

17. In Bhajan Lal (supra), this Court had set out, by way of illustration, the broad categories of cases in which the inherent power under Section 482 Cr. P.C. could be exercised. Para 102 of the decision reads as follows:

'102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of

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a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

12. In view of aforesaid factual submissions and by taking note of fact as the above-named petitioner nos.2, 3, 4 and 5 are in-laws, facing general and omnibus allegation *qua* alleged cruelty, where the lodging of present criminal complaint after divorce appears to be lodged against the petitioners, who are the family members due to oblique and ulterior motive, accordingly, taking a guiding note of ***Abhishek Case (supra)***, the impugned cognizance order dated 22.05.2017 *qua* all above-named four petitioners are hereby set aside/quashed.

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13. Accordingly, the present petition stands allowed.

14. Let the copy of judgment be communicated to the learned trial court forthwith, with TCR, if any.

(Chandra Shekhar Jha, J.)

Raushan/-

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CAV DATE	N/A
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